

REMARKS

This Response is submitted in reply to the final Office Action dated November 29, 2005, and the Advisory Action dated January 10, 2007, issued in connection with the above-identified application. This Response is filed along with a Petition to Revive under 37 C.F.R. §1.137(b) and a Request for Continued Examination (RCE). Favorable reconsideration is respectfully requested. Claims 1-42 are pending in this application. Independent claims 1, 8, 15, 22, 29 and 36 have been amended, and dependent claims 5-6, 12-13, 19-20, 26-27, 33-34 and 40-41 have been canceled. No new matter has been introduced as a result of this Response; thus, reconsideration is respectfully requested.

I. Allowable Subject Matter

The Examiner deemed claims 6, 13, 20, 27, 34 and 41 allowable if rewritten in independent form to include all the limitations of their base claims and any intervening claims. Accordingly, the Applicant has herein amended the claims as suggested by the Examiner. In particular, independent claim 1 has been rewritten to include the combination of claims 1/5/6; independent claim 8 has been rewritten to include the combination of claims 8/12/13; independent claim 15 has been rewritten to include the combination of claims 15/19/20; independent claim 22 has been rewritten to include the combination of claims 22/26/27; independent claim 29 has been rewritten to include the claims combination of claims 29/33/34; and claim 36 has been rewritten to include the claim combination of claims 36/40/41.

II. Response To Claim Rejections

Claims 1, 8 and 15 stand rejected under 35 U.S.C. §112, second paragraph, for being unclear. Claims 1, 3-4, 8, 11, 15, 17-18, 22, 25, 29, 32, 36 and 38-39 stand rejected under 35 U.S.C. §102(e) as being anticipated by Prismantas et al. (U.S. Patent Application No. 2002/0155811, hereafter "Prismantas"). Claims 5, 10, 12, 19, 24, 26, 31, 33 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Prismantas in view of Enns et al. (U.S. Patent Application No. 2003/0161263, hereafter "Enns"). Claims 2, 7, 9, 14, 16, 21, 23, 28, 30, 35, 37 and 42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Prismantas in view of Parmenter (U.S. Patent No. 6,615,052, hereafter "Parmenter").

With regard to the §112 rejections, the Examiner objects to the claim terms "ranging message" and "modifying the channel class based upon characteristics of the channel," as being

unclear. The Applicants respectfully disagree. The term “ranging message” is described in paragraph [0069] as “a process which configures a site on the NCC 411 and adjusts timing of the NCC 411a without user intervention.” The ranging process is described more fully with reference to Figures 7a and 7b. Additionally, the term “channel class” is described in paragraph [0174] as a “manner of transmission, which includes-transmission rate, modulation scheme, error coding scheme,...or any combination of these characteristics may constitute a transmission channel class.” An example of changing channel class based on channel characteristics is further described with reference to Figure 8a. Thus, the Applicants maintain that one of ordinary skill in the art would fully understand the claim terms noted above based on the description of these terms in the specification. Withdrawal of the §112 rejections to claim 1, 8 and 15 is respectfully requested.

With regard to the §102 & §103 rejections, independent claims 1, 8, 15, 22, 29 and 36 have been amended to include the allowable subject matter of dependent claims 6, 13, 20, 27, 34 and 41. As amended, independent claims 1, 8, 15, 22, 29 and 36 are now clearly distinguishable over the cited prior. Additionally, dependent claims 1-4, 7, 9-11, 14, 16-18, 21, 23-25, 28, 30-32, 35, 37-39 and 42 are clearly distinguishable over the cited prior art based on their dependency from independent claims 1, 8, 15, 22, 29 and 36.

III. Conclusion

In light of the above, the Applicant respectfully submits that all the pending claims are both novel and non-obvious over the prior art of record. The Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Director is authorized to deduct such fees from deposit account no. 02-1818.

If such a deduction is made, please indicate the attorney docket no. PD-200372 (0115426-949) on the account statement.

Respectfully submitted,

BY


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